

SERVICE DATE – AUGUST 8, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 290 (Sub-No. 388X)

**Norfolk Southern Railway Company – Abandonment Exemption –
in Fulton County, Georgia**

BACKGROUND

In this proceeding, the Norfolk Southern Railroad Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Fulton County, Georgia. The rail line proposed for abandonment extends one mile from approximately milepost DF 632.10 to milepost DF 633.10 in Atlanta Georgia (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NSR submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment, including salvage and disposition of the right-of-way. NSR served the Environmental Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ Initially, NSR served its combined environmental and historic report on November 11, 2016, describing the Line's location between milepost DF 632.5 to milepost DF 633.1. NSR later served its amended report on April 4, 2017, which described the Line as extending between milepost DF 632.1 and milepost 633.1, adding 0.4 miles to its length. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 388X).

Diversion of Traffic

According to NSR, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. NSR states that, if abandonment were authorized, salvage would consist of removing rail and track material from the existing roadbed, leaving the contour of the roadbed and any existing drainage systems in place. NSR states that no ballast would be removed and no soil disturbance would occur. Comments on the Environmental Report were submitted by several federal and state agencies, and are discussed in the corresponding sections below.

Land Use

According to NSR, there is one bridge on the Line, located at milepost 633.10 and crossing Clear Creek. The structure is a 130-foot long timber trestle with ten spans, constructed in 1925. The Line is in a northern suburb of Atlanta, with adjoining uses primarily consisting of transportation corridors, residential areas, commercial and industrial areas, and a golf course. The City of Atlanta's Department of Planning and Community Development stated that the proposed abandonment does not affect the City's long-range land use plans and complies with future land use.

The National Geodetic Survey (NGS) states that two geodetic survey markers may be near the Line (i.e., mark numbers DG0292 and DG0291). Accordingly, OEA recommends a condition requiring NSR to consult with NGS prior to commencing salvage operations.

The United States Department of Agriculture Natural Resource Conservation Service states that, because the proposed project is completely contained within a U.S. Census Bureau urban area (Atlanta, GA 03817), it is exempted from the requirement to establish a farmland conversion impact rating score in the Land Evaluation and Site Assessment system; there is not a reasonable potential for the proposed abandonment to adversely affect farmland.

Coastal Zone Compliance

The Georgia Department of Natural Resources' Coastal Management Program staff confirmed that Fulton County, Georgia, is not located in a Coastal Barrier Resource Act area; therefore, the proposed abandonment does not require a federal consistency determination.

Water Resources

NSR plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to NSR, salvage activities would not cause sedimentation or erosion of the soil, and NSR does not anticipate any dredging or use of fill when removing the track material. NSR states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

In response to NSR's initial environmental report, the U.S. Army Corps of Engineers (Corps) determined that the proposed abandonment would not require a Corps permit. In NSR's amended notice of exemption, NSR states that the Corps confirmed that a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would be required after the Line termini were expanded to include the bridge crossing Clear Creek. Accordingly, OEA is recommending that a condition be added to any decision authorizing abandonment requiring that NSR consult with the Corps regarding potential impacts to waters of the U.S. and comply with the reasonable requirements of any permits issued by the Corps.

According to NSR, no in-stream work, dredging, or use of fill materials are contemplated. Additionally, NSR does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures, including a National Pollutant Discharge Elimination System permit under Section 202 of the Clean Water Act.

Hazardous Materials

NSR states that it is not aware of any releases of hazardous substances in or near the Line. OEA's review has not found any federally listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

Based on the U.S Fish & Wildlife (USFWS) Service Environmental Conservation Online System's Information for Planning and Consultation (IPaC) report, one endangered flowering plant may occur within the proposed project area: Michaux's sumac (*Rhus michauxii*). In its response to NSR's initial environmental report, USFWS determined that the proposed abandonment would not be expected to significantly impact fish and wildlife resources under the jurisdiction of the USFWS. OEA concurs with that determination, as the 0.4-mile addition to the Line has the same characteristics with respect to *Rhus michauxii* as the initial 0.6-mile segment reviewed by USFWS, and is providing USFWS a copy of this EA.

Air Quality

Because salvage operations would be limited in scope and areal extent, and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the Corps, USFWS, and NGS.

HISTORIC REVIEW

NSR served the Historic Report on the Georgia State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The Georgia Historic Preservation Division, in its reply, identified the Atlanta and Richmond Air-Line Railway as eligible for listing in the National Register of Historic Places at a state level of significance under criteria A and C for its contributions to the transportation and engineering history of the State of Georgia, and found that the proposed abandonment constitutes an adverse effect to historic properties located within the project's area of potential effect (APE). OEA concurs with that determination.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.6, OEA will notify the Advisory Council on Historic Preservation of the adverse effect finding and continue consultation with the Georgia SHPO and NSR to discuss ways to avoid, minimize, or mitigate this adverse effect.

Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the APE) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.² The database indicated that the Eastern Band of Cherokee Indians is a federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment.

² Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited August 4, 2017).

Accordingly, OEA is sending a copy of this EA to the Eastern Band of Cherokee Indians for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. The Norfolk Southern Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**
- 2. The Norfolk Southern Railroad Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NSR shall report back to the Office of Environmental Analysis regarding any consultations with the Georgia State Historic Preservation Office and the public. NSR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**
- 3. Prior to commencement of any salvage activities, Norfolk Southern Railroad Company shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of any permits issued by the Corps.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public

use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests if it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 395 E. Street SW, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 290 (Sub-No. 388X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: August 8, 2017.

Comment due date: August 23, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment